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DEFENDANT OFFICE

Counsel for Defendant NINH

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HONG THANH THI NINH, and
SI "KEVIN" TRUONG,

Defendants.

No. CR 11-00847- RMW

**JOINT STIPULATION AND
[] ORDER CONTINUING
HEARING TO JUNE 18, 2012 AND
EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT**

The defendants, Hong Thanh Thi Ninh, Si "Kevin" Truong, and the government, through their respective counsel, subject to the court's approval, hereby stipulate that the Court continue the status hearing in the above-captioned matter, presently scheduled for June 4, 2012, at 9:00 a.m., to June 18, 2012, at 9:00 a.m. Defense counsel for Ms. Ninh represents that he will not be available on June 4, 2012. Matters were set for June 4, 2012, on the Magistrate Judge's Calendar in Salinas, California, by Ms. Heather Rogers whom has since left the Federal Public Defender Office. Mr. Araujo is the only attorney in his office who can make the appearance in Salinas, California. In addition, the parties continue to engage in investigation which is necessary to further the discussions regarding settlement of the matter before this court.

The parties further agree and stipulate that time should be excluded from and including June 4, 2012, through and including June 18, 2012, to provide counsel reasonable time to

1 prepare and continuity of counsel, pursuant to Speedy Trial Act, 18 U.S.C. §3161(h)(7)(A) and
2 (B)(iv). Accordingly, the United States and the defendants agree that granting the requested
3 exclusion of time will serve the interest of justice and outweigh the interest of the public and
4 defendant in a speedy trial.

5 IT IS SO STIPULATED.

6 Dated: May 30, 2012

7 _____/s/_____
MANUEL ARAUJO
Assistant Federal Public Defender
8 Attorney of Record for Ms. Ninh
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10 Dated: May 30, 2012

11 _____/s/_____
THOMAS J. FARRITO,
Attorney of Record for Mr. Truong
12

13 Dated: May 30, 2012

14 _____/s/_____
JEFFERY B. SCHENK
Assistant United States Attorney
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[] ORDER

GOOD CAUSE APPEARING, and by stipulation of the parties, IT IS HEREBY ORDERED that the status conference hearing in the above-captioned matter is continued from June 4, 2012, to June 18, 2012, at 9:00 a.m.

THE COURT FINDS that failing to exclude the time between June 4, 2012, through and including June 18, 2012, would unreasonably deny the defendant's continuity of counsel, and would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. It Is Further Found that the ends of justice served by excluding the time between June 4, 2012 and June 18, 2012, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial. Therefore, the period of delay from June 4, 2012, through and including June 18, 2012, is excluded for purposes of Speedy Trial Act computations pursuant to Title 18, United States Code, Sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

Dated: Í DF, 2012


HONORABLE RONALD M. WHYTE
United States District Judge